BEFORE THE APPEALS BOARD FOR THE KANSAS DIVISION OF WORKERS COMPENSATION

PAULETTE BAHR	}
Claimant VS.	Docket No. 100 140
LINK, INC. Respondent) Docket No. 199,140
AND	
GRANITE STATE INSURANCE Insurance Carrier	

ORDER

Claimant requests review of the preliminary hearing Order entered in this proceeding by Administrative Law Judge Bruce E. Moore on January 11, 1996.

ISSUES

An Agreed Award was entered in this proceeding on May 1, 1995. The Award provided that future medical was available to the claimant upon application only. Thereafter, claimant filed a Form E-3, Application for Preliminary Hearing, to request additional medical treatment. The Administrative Law Judge denied claimant's request for additional medical care. Claimant requests the Appeals Board review the denial of additional medical treatment. The Appeals Board also raises on its own the issue of its jurisdiction to hear and decide the issue raised by claimant on an appeal from a preliminary hearing order.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Based upon the evidence presented and for purposes of preliminary hearing, the Appeals Board finds as follows:

The Director's office, parties and the Administrative Law Judge all treated this proceeding as a preliminary hearing within the context of a post-award request for additional medical treatment. As such, the jurisdiction of the Appeals Board to review the preliminary hearing findings by the Administrative Law Judge is as statutorily provided by K.S.A. 1995 Supp. 44-551(b)(2)(A) and K.S.A. 44-534a(a)(2).

The Appeals Board has jurisdiction to review preliminary orders only where it is alleged that the Administrative Law Judge has exceeded his or her jurisdiction, or where one of the specific jurisdictional issues listed in K.S.A. 44-534a is in controversy. Claimant's allegation that the Administrative Law Judge erred in not granting claimant's

request for additional treatment does not give rise to one of the issues listed in K.S.A. 44-534a and does not otherwise amount to an allegation that the Administrative Law Judge has exceeded his jurisdiction. Accordingly, the Appeals Board finds that it does not have jurisdiction to review the Administrative Law Judge's preliminary decision concerning medical treatment. Therefore, the claimant's Application for Review should be dismissed.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that this appeal should be, and hereby is, dismissed and that the preliminary hearing Order of Administrative Law Judge Bruce E. Moore dated January 11, 1996 remains in full force and effect.

IT IS SO ORDERED.
Dated this day of March 1996.
BOARD MEMBER
BOARD MEMBER
BOARD MEMBER

c: Richard A. Boeckman, Great Bend, KS James M. McVay, Great Bend, KS Bruce E. Moore, Administrative Law Judge Philip S. Harness, Director